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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,448	03/12/2004	Shinji Fukui	OMRNP080	6235
22434	7590	06/28/2007	EXAMINER	
BEYER WEAVER LLP			LEE, MARINA	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,448

Applicant(s)

FUKUI, SHINJI

Examiner

Marina Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :
05/23/2005; 05/31/2006; and 09/05/2006.

DETAILED ACTION

1. This action is responsive to the application filed on September 05, 2006.
2. Claims 1-6 have been examined.

Oath/Declaration

3. The Office acknowledges receipt of oath/declaration filed on July 02, 2004.

Priority

4. Examiner noted that on the Transmittal Application (TRNA), Certified Copies of the Priority documents have not been submitted yet regarding to application filed on July 13, 2004. Therefore, the Priority Date for the application is March 12, 20004. Hence, the statutory prior art used below for rejection the application is under 102 (b).

Specification

5. The specification is object to for minor informality, the word "algorisms" of line 18, page 1, should be changed to "algorithms". Appropriate correction is required.

Claim Objections

6. Claims 1- 4 and 6 are objected to because of the following informalities:

As to claim 1, line 5 recites " a program ... to be processed" open to two interpretations:

a. "a program" is referred to " 'the' program' containing function blocks" as recited at line 2 .

b. "a program" is referred to " 'another program' such as second or third program".

For the purposed of expedited the prosecution, Examiner shall the claim in light of interpretation (a).

Thus, claims 2-4 are objected to for being dependent upon objected to base claim.

As to claim 6, lines 10 recites " a same display screen" should be changed to – "the same display screen"—. Appropriate Correction is required.

Also as to claim 6, lines 19 recites " a program" is also objected to for similar reason as see claim 1 above. For the purpose of expedited the prosecution, Examiner shall interpret " a program" of line 19 to be " 'the' program " of line 1.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 6, line 1, 'A program product containing function blocks' itself just comprising:

"a first program portion...",

a second program portion...", and

"a third program portion ... ", does not comprise a readable medium or hardware support (no physical transformation) in order to realize the functionality of the 'program product'. Therefore, the 'program product' of claim 6 may be broadly interpreted as

data structures representing descriptive material per se or computer programming representing computer listing per se – functional descriptive material under 35 USC § 102. See MPEP 2106.01(I).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-6 are rejected under 35U.S.C. 102(b) as being anticipated by Sojoodi et al., (hereinafter, "Sojoodi"), (U.S. Patent No. 6,437,805 B1).

As per claim 1, Sojoodi discloses a display and edit device (e.g., computer host 102 of Fig. 1 see detail column 11, lines 40-67 and column 12, lines 1-14) for a program (e.g., a program written in C language of a server 252 see column 14, lines 41 and 42) containing function blocks (e.g., object oriented software see column 6, lines 11-16), said device comprising:

a program memory (e.g., main memory 206 of Fig. 2 see column 11, lines 52-55) for storing the program to be processed;

a block definition analyzer (e.g., object node or object function nodes 266 of Fig. 3 see column 13, lines 33-35; also see e.g., object controls 274 column 13, lines 26-29) for accessing said program stored in said program memory and analyzing structure

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relationship of function block definitions (e.g., object refnum, and object open node see detail column 13, lines 37-40) contained in said program;

a block instance analyzer (e.g., object manager 268 of Fig. 3 see column 13, lines 47-52) for accessing said program stored in said program memory and analyzing structure relationship of function block instances (e.g., instantiated object from the classes exported by the object server 252 see column 14, lines 43-44) contained in said program; and a structure display device (e.g., Block Diagram Editor 264 of Fig. 3 see column 13, lines 40-46) for causing to display structure relationship of the analyzed structure relationship of said function block definition and structure relationship of the analyzed structure relationship of said function block instance (e.g., the block diagram comprises program execution element, referred to as nodes, which are wired or linked together to produce a data flow program of Fig. 6 see column 13, lines 1-6);

As to claim 2, Sojoodi discloses further comprising: an instance display device (e.g., displaying nodes of Fig. 6 as see column 13, lines 1-6) for causing to display a selected function block definition or a selected function block instance together with said structure relationship of the analyzed structure relationship of said function block definition and said structure relationship of the analyzed structure relationship of said function block instance (e.g., user selects from the Front panel Editor 262 to arrange on the screen one or more user interface items function node, referred to as controls and indicators optionally – it is inherent that node of the object (function block instance or definition) is selected by user see column 13, lines 20-23); and

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a display judging device (e.g., object control panel 274 comprises a draw method which the front panel editor 262 invoke in order to display an automation control icon (selectively) in the front panel column 18, lines 53-57) for causing said structure display device to display with an emphasis (e.g., displaying the drawing according to user selection from the front panel editor 262 of Fig. 3 see column 13, line 18-23) the structure relationship of said selected function block definition or selected function block instance or a corresponding portion of the structure relationship of the function block instance.

As per claims 3 and 4, Sojoodi discloses further comprising a display selector that selectively determines, when a command to switch display is received (e.g., the front panel or user interface is created automatically (selectively determines) in response to creating of the block diagram without including the front panel editor 262 see column 13, lines 24-26), whether a function block definition or a function block instance should be displayed, based on current display and current conditions of processing by said display and edit device and causes the determined display to be made.

As to claim 5, Sojoodi disclose a method of displaying a program (e.g., a program written in C language of a server 252 see column 14, lines 41 and 42) including function blocks for a display and edit device (e.g., computer host 102 of Fig. 1 see detail column 11, lines 40-67 and column 12, lines 1-14); said method comprising the steps of:

accessing said program stored in a program memory (e.g., main memory 206 of Fig. 2 see column 11, lines 52-55) and analyzing structure relationship (e.g., object

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node or object function nodes 266 of Fig. 3 see column 13, lines 33-35; also see e.g., object.controls 274 column 13, lines 26-29) of function block definitions (e.g., object refnum, and object open node see detail column 13, lines 37-40) contained in said program;

accessing said program and analyzing structure relationship (e.g., object manager 268 of Fig. 3 see column 13, lines 47-52) of function block instances (e.g., instantiated object from the classes exported by the object server 252 see column 14, lines 43-44) contained in said program; and

displaying the analyzed structure relationship (e.g., Block Diagram Editor 264 of Fig. 3 see column 13, lines 40-46) of functional block definitions and the analyzed structure relationship of functional block instances on a same display screen (e.g., the block diagram comprises program execution element, referred to as nodes, which are wired or linked together to produce a data flow program of Fig. 6 see column 13, lines 1-6);

As to claim 6, Sojoodi discloses a program product (e.g., a program written in C language of a server 252 see column 14, lines 41 and 42) containing function blocks (e.g., object oriented software see column 6, lines 11-16) for display and editing by a display and edit device (e.g., computer host 102 of Fig. 1 see detail column 11, lines 40-67 and column 12, lines 1-14), said program comprising:

a first program portion (e.g., object node or object function nodes 266 of Fig. 3 see column 13, lines 33-35; also see e.g., object controls 274 column 13, lines 26-29) for accessing the program containing function blocks and being stored in a program

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memory (e.g., main memory 206 of Fig. 2 see column 11, lines 52-55) and analyzing structure relationship of function block definitions (e.g., object refnum, and object open node see detail column 13, lines 37-40) contained in said program ;

a second program portion (e.g., object manager 268 of Fig. 3 see column 13, lines 47-52) for accessing said program and analyzing structure relationship of function block instances (e.g., instantiated object from the classes exported by the object server 252 see column 14, lines 43-44) contained in said program; and

a third program portion (e.g., Block Diagram Editor 264 of Fig. 3 see column 13, lines 40-46) for displaying the analyzed structure relationship of functional block definitions and the analyzed structure relationship of functional block instances on the same display screen (e.g., the block diagram comprises program execution element, referred to as nodes, which are wired or linked together to produce a data flow program of Fig. 6 see column 13, lines 1-6).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to application disclosure.

Nishi et al. (US 6,434,737 B1) is cited to teach method and apparatus for programming by use of event-driven-type function blocks and program recording medium storing a program from executing the method.

Nixon et al. (US 5,801,942) is cited to teach process control system users interface including selection of multiple control languages.

Inoko et al. (US 2002/0040286 A1) is cited to teach a PLC system construction support tool and PLC system program development support tool.

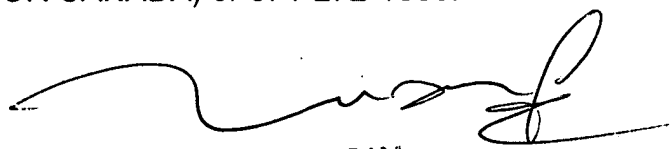
Welch (US 2004/0019875 A1) is cited to teach masked control for use in a graphical programming environment.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Lee whose telephone number is (571) 270-1648. The examiner can normally be reached on M-F (9am-6:30pm) Est..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. L
June 7, 2007



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SUPERVISORY PATENT EXAMINER